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09/829,245	04/09/2001	Hui Li	PD000020	7596

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EXAMINER

ALBERTALLI, BRIAN LOUIS

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,245

Applicant(s)

LI ET AL.

Examiner

Brian L. Albertalli

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 20 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The amendments to the claims have been entered. Claims 1 and 9 are currently amended.

Response to Arguments

2. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 9, and 11, the phrase "e.g." (meaning *exempli gratia*, or "for example") renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention (i.e. whether third identification information and audio or subtitle translation set must be sent over the Internet, or any general transmission medium). See MPEP § 2173.05(d).

Regarding claim 5, the phrase "e.g." (meaning *exempli gratia*, or "for example") renders the claim indefinite because it is unclear whether the limitation(s) following the

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phrase are part of the claimed invention (i.e. whether the programming must be either VPS or ShowView programming). See MPEP § 2173.05(d).

Claims 1-8 are further rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because claim 1 recites the limitation "said video device" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 is further rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because claim 5 recites the limitation "possibly original audio or subtitle data". The use of the term "possibly" makes it unclear whether the audio and subtitle data must be recorded before audio or subtitle translation data is recorded.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 6, 7, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Malkin et al. (U.S. Patent 6,317,795).

In regard to claims 1 and 9, Malkin et al. disclose a method for providing audio or subtitle translation data on demand to a receiver (Fig. 1, client 125, column 5, line 29-30), the method including the following steps:

said receiver or video device (set top box 125) receiving broadcast video data for a specific program or movie together with audio data related to a given language (video data meeting a client's content request are received by the client with audio in a language, column 6, lines 43-46, column 7, lines 1-8, and column 18, lines 54-59), which video data include:

first identification information data identifying said specific program or movie (a client request for content is determined by checking the content labels at the content server, column 6, lines 34-50 and column 8, lines 31-35);

detecting a user-performed selection of a preferred language that is different from said given language (Fig. 2, a client's content specification 238 forms a PICS profile that includes a language specification, column 6, lines 43-46, column 8, lines 53-59, and column 18, lines 54-59);

providing second information corresponding to said language (the content specification 238 provided by the client includes language selection, column 6, lines 43-46);

transmitting automatically via the Internet, third identification information (mask showing request) derived from said first and second identification information to a server for requesting , based on said third identification information, a desired audio or subtitle translation data set corresponding to said video data and corresponding to said preferred language (once the content specification 248 is determined to be possible to satisfy, a mask showing request is sent to mask provider 205 to retrieve control specifications 237 that can satisfy the viewer's content specification of language, column 6, line 58 to column 7, line 4 and column 18, lines 54-59);

receiving via the Internet, said selected audio or subtitle translation data set corresponding to said video language and corresponding to said preferred language (an appropriate video version, or modification thereof, of video corresponding to the viewer's content specification 238 transmitted to the client, column 7, lines 1-4);

reproducing automatically data of said received audio or subtitle translation data set together with said video data in said receiver or video device in a temporally synchronized manner, instead of reproducing said audio data related to a given language (Fig. 10, translated audio or captions provided in a control specification 237 by mask provider 205 are combined and synchronously displayed at step 1060, column 17, lines 14-31 and column 18, lines 54-59).

In regard to claims 2 and 10, Malkin et al. disclose the step of displaying a language menu and detecting the user-performed selection of the preferred language

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from the menu (Fig. 3a and 3b, user interface for storing a content specification 248 including a language selection, column 8, line 64-66 and column 18, lines 54-59).

In regard to claim 3, Malkin et al. disclose wherein from several available server-stored audio or subtitle translation data sets one is selected, wherein each of said several audio or translation data sets includes a language translation of original language audio or subtitle data related to said video data, and wherein the selected audio or subtitle translation data represents, corresponding to the preferred language, a language translation of said original language audio or subtitle data (several versions of each movie or video are stored, each with corresponding indicators of the content, including which of several languages the video is in, column 10, lines 8-40 and column 18, lines 54-59).

In regard to claim 4, Malkin et al. disclose wherein said user performed selection is detected, and said provided second identification information corresponding to said preferred language is stored, before video data are received (the client forms a content specification 248 in a first step, before the requested video is sent to the client, column 6, lines 43-46 and column 7, lines 1-4).

In regard to claim 6, Malkin et al. disclose time stamps are used for synchronizing said video data with the data of said requested or selected audio subtitle translation set (column 17, lines 39-47 and column 18, lines 54-59).

In regard to claim 7, Malkin et al. disclose the data are MPEG-4 encoded and resynchronization marker codes are used for synchronizing (column 19, lines 45-61).

In regard to claim 11, Malkin et al. disclose a method for providing audio or subtitle translation data on demand, including the following steps:

receiving, via the Internet, identification information requested by a user, wherein said identification information corresponds to a preferred language and to video data that are originally accompanied by audio or subtitle data in a language different from said preferred language (a client request for content is determined by checking the content labels at the content server, column 6, lines 34-50 and column 8, lines 31-35; Fig. 2, a client's content specification 238 forms a PICS profile that includes a language specification, column 6, lines 43-46, column 8, lines 53-59, and column 18, lines 54-59);

storing or generating audio or subtitle translation data sets assigned to different languages for related video data, wherein each of said audio or subtitle translation data sets includes a language translation of original language audio or subtitle data related to specific ones of said video data (several versions of each movie or video are stored, each with corresponding indicators of the content, including which of several languages the video is in, column 10, lines 8-40 and column 18, lines 54-59);

selecting, upon receiving said identification information, an audio or subtitle translation data set, wherein the selected audio or subtitle translation data set represents a language translation of said original language audio or subtitle data

corresponding to said preferred language (once the content specification 248 is determined to be possible to satisfy, a mask showing request is sent to mask provider 205 to retrieve control specifications 237 that can satisfy the viewer's content specification of language, column 6, line 58 to column 7, line 4 and column 18, lines 54-59),

transmitting, via Internet said selected audio or subtitle translation data set for providing it to a receiver of said user (an appropriate video version, or modification thereof, of video corresponding to the viewer's content specification 238 transmitted to the client, column 7, lines 1-4).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malkin et al., in view of Young et al. (U.S. Patent 5,353,121).

Malkin et al. disclose the client device (Fig. 2, video device 209) has a storage device (DASD 242), but do not disclose recording video data at the client (Fig. 2, 209).

Young et al. disclose a method for recording video content using programming (Fig. 2 and Fig. 3, column 8, lines 8-19) wherein audio data automatically downloaded

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and stored in advance (programs are recorded to a VCR, which stores both video and audio content, column 1, lines 19-29).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Malkin et al. to record the translated audio along with the corresponding video through the use of programming, recording allows a user to view content at a convenient, later time, and programming provides an intuitive, easy interface for a user to record content, as taught by Young et al. (column 1, lines 30-39).

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malkin et al., in view of Qian et al. (U.S. Patent 6,070,167).

While Malkin et al. disclose first information is stored with the content available on the content server (Fig. 2, 203), and further disclose the content broadcast to the client is MPEG video data (column 19, lines 36-61), Malkin et al. do not disclose the first information is automatically provided from corresponding teletext or MPEG7 information.

Qian et al. disclose MPEG7 data automatically provides information indicating the content of video data (column 5, lines 22-41).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Malkin et al. to use the identification information provided from MPEG7 data, so that a separate identifier would not have to be stored.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. O'Shea et al. (U.S. Patent 6,189,045) disclose a method for modifying content, including language, to meet a user's preferences. Cruikshank (U.S. Patent 6,816,468) discloses a method for translation captions for video conferencing. Pawson (U.S. Patent 6,944,585) discloses a method for storing language preferences in a video network. Kou (U.S. Patent 6,661,466) discloses a method for translating video data to a default language at the client.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian L. Albertalli whose telephone number is (571) 272-7616. The examiner can normally be reached on Mon - Fri, 8:00 AM - 5:30 PM, every second Fri off.

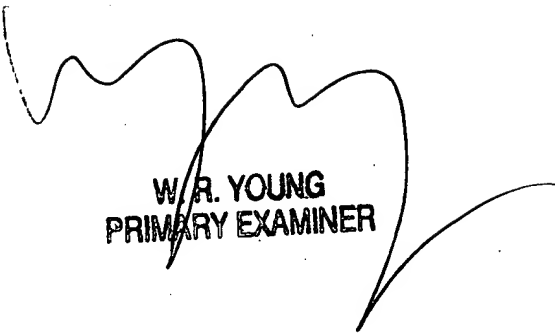
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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W. R. YOUNG
PRIMARY EXAMINER